

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEONARR MOORE,

Plaintiff,

v.

CASE NO. 2:09-CV-10222  
HONORABLE GERALD E. ROSEN

NATHAN VANTIFFLIN, et al.,

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION AND TO AMEND**

The Court has before it Plaintiff's motion for reconsideration and to amend concerning the Court's dismissal of his *pro se* civil rights complaint, filed pursuant to 42 U.S.C. § 1983, for failure to state a claim upon which relief may be granted. First, to the extent that Plaintiff seeks to cure a defect in his initial pleadings, his motion must be denied given the Court's dismissal of his civil rights complaint. The Court may not permit Plaintiff to amend his complaint to defeat summary dismissal. *See Baxter v. Rose*, 305 F.3d 486, 488-89 (6th Cir. 2002) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997)); *see also Clayton v. United States Dep't. of Justice, et al.*, 136 Fed. Appx. 840, 842 (6th Cir. 2005).

Second, to the extent that Plaintiff seeks reconsideration of the Court's dismissal of his complaint, he is not entitled to relief. A motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). In his motion, Plaintiff addresses the issue of prosecutorial immunity. The Court, however, did not dismiss this case on immunity

grounds. Rather, the Court ruled that Plaintiff failed to state a claim for relief based upon *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof as required by Local Rule 7.1(g)(3). His civil rights complaint was properly dismissed for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983. Accordingly, Plaintiff's motion is **DENIED**. This case is closed.

**IT IS SO ORDERED.**

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: February 26, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 26, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager